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Verbatim Transcript of Combatant Status Review Tribunal Hearing for ISN 10023

OPENING

RECORDER: All rise.

PRESIDENT: You may be seated. This hearing shall come to order.

RECORDER: This Tribunal is being conducted at 1422 [hours] 28 April 2007 on board U.S. Naval Base Guantanamo Bay, Cuba. The following personnel are present:
Colonel [REDACTED], United States Air Force, President;
Lieutenant Colonel [REDACTED], United States Air Force, Member;
Lieutenant Colonel [REDACTED], United States Marine Corps, Member;
Lieutenant Colonel [REDACTED], United States Air Force, Personal Representative;
Gunnery Sergeant [REDACTED], United States Marine Corps, Reporter;
Lieutenant Colonel [REDACTED], United States Army, Recorder.
Lieutenant Colonel [REDACTED], is the Judge Advocate member of the Tribunal.

OATH SESSION 1

RECORDER: All rise.

PRESIDENT: The Recorder will be sworn. Do you, Lieutenant Colonel [REDACTED], swear or affirm that you will faithfully perform the duties as Recorder assigned to this Tribunal, so help you God?

RECORDER: I do.

PRESIDENT: The Reporter will now be sworn. The Recorder will administer the oath.

RECORDER: Do you, Gunnery Sergeant [REDACTED] swear or affirm that you will faithfully discharge your duties as Reporter assigned in this Tribunal, so help you God?

REPORTER: I do.

PRESIDENT: You may be seated.

CONVENING AUTHORITY

PRESIDENT: This Tribunal is convened by the order of the Director, Combatant Status Review Tribunals under the provisions of his Order of 27 April 2007.

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PRESIDENT: This Tribunal will determine whether Guleed Hassan Ahmed meets the criteria to be designated as an enemy combatant against the United States or its coalition partners or otherwise meets the criteria to be designated as an enemy combatant.

OATH SESSION 2

PRESIDENT: The members-- the members of this Tribunal shall now be sworn. All rise.

RECORDER: Do you swear or affirm that you will faithfully perform your duties as a member of this Tribunal; that you will impartially examine and inquire into the matter now before you according to your conscience and the laws and regulations provided; that you will make such findings of fact and conclusions as are supported by the evidence presented; that in determining those facts, you will use your professional knowledge, best judgment, and common sense; and that you will make such findings as are appropriate according to the best of your understanding of the rules, regulations, and laws governing this proceeding, and guided by your concept of justice, so help you God?

MEMBERS: I do.

PRESIDENT: The Recorder will now administer the oath to the Personal Representative.

RECORDER: Do you swear or affirm that you will faithfully perform the duties of Personal Representative in this Tribunal, so help you God?

PERSONAL REP: I do.

PRESIDENT: Please be seated.

PRESENTATION OF UNCLASSIFIED INFORMATION

PRESIDENT: Personal Representative, please provide the Tribunal with the Detainee Election Form.

PERSONAL REP: I am handing the Tribunal the Detainee Election Form, which was previously marked as Exhibit D-a.

PRESIDENT: Personal Representative, I note on the Detainee Election Form that the Detainee had marked, or you have marked, that the Detainee wished to participate in the Tribunal-- that you've also added that he does not want to attend the Tribunal hearing. Is that correct?

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PERSONAL REP: Yes, Sir.

PRESIDENT: Can you explain how the Detainee made the-- the-- these elections?

PERSONAL REP: Sir, I asked the Detainee if he would like to attend the Tribunal on two occasions - both meetings I had with him - and he elected not to attend.

PRESIDENT: Very well.

PRESIDENT: I also note that the Detainee Election Form shows that he wants the assistance of the Personal Representative, yourself. Is that correct?

PERSONAL REP: That is correct, Sir.

PRESIDENT: Very well. We will continue this hearing without the Detainee being present.

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PRESIDENT: Recorder, please provide the Tribunal with the unclassified evidence.

RECORDER: I am handing the Tribunal what has previously been marked as Exhibit R-1, the unclassified Summary of the Evidence, that relates to this Detainee's status as an enemy combatant. A translated copy of this exhibit was provided to the Personal Representative in advance of this hearing for presentation to the Detainee. In addition, I am handing to the Tribunal the following unclassified exhibit marked as Exhibit R-2. A copy of this exhibit has previously been provided to the Personal Representative.

PRESIDENT: Recorder, please read the unclassified Summary of Evidence for the record.

RECORDER: The following facts support the determination that the Detainee is an enemy combatant:

Paragraph a. The Detainee was recruited by a senior al Qaida operative who participated in the 1998 bombing of the United States Embassy in Kenya and the 2002 Mombasa, Kenya attacks. This senior al Qaida operative considered himself the senior al Qaida officer for the Horn of Africa.

Paragraph b. The Detainee was identified as a prominent Al-Ittihad al-Islami jihadist faction member.

Paragraph c. The United States Department of Homeland Security Terrorist Organization Reference Guide placed Al-Ittihad al-Islami

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on the Terrorist Exclusion List. An organization placed on the Terrorist Exclusion List is known to commit, or incite to commit, acts which can cause death or serious bodily injury, prepares or plans a terrorist activity, gathers information on potential targets for terrorist activity, or provides material support to further terrorist activity.

Paragraph d. The Al-Ittihad al-Islami jihadist faction suffered significant blows and setbacks with the arrest of the Detainee and three other individuals.

Paragraph e. As of 2004, the Al-Ittihad al-Islami jihadist faction in the Horn of Africa was affiliated with al Qaida and were in direct contact with Pakistan-based al Qaida operatives.

Paragraph f. The Detainee was a well-trained fighter, who trained in guerilla warfare tactics, explosives, and marksmanship in the tribal border area between Pakistan and Afghanistan in the early 1990s. The Detainee later trained at the Al-Ittihad al-Islami training camp in Lugh, Somalia.

Paragraph g. In 2002, the Detainee participated in Al-Ittihad al-Islami operations in Mogadishu, Somalia, which involved killing Ethiopian nationals and individuals believed cooperating with the-- with the Ethiopians.

Paragraph h. The Detainee was named an al Qaida Djibouti cell leader and senior facilitator. Sir, this concludes the summary of unclassified evidence.

PRESIDENT: Personal Representative, does the Detainee have any evidence to present to this Tribunal?

PERSONAL REP: Yes, Sir. I am handing to the Tribunal the following unclassified exhibit marked as Exhibit D-b. A copy of this exhibit has previously been provided to the Recorder. This exhibit is a one-page document that represents the Detainee's response-- responses to the unclassified Summary of Evidence. It is signed and dated by the Detainee, Guleed Hassan Ahmed, and the Detainee has asked that I read it to the Tribunal.

PRESIDENT: Thank you, Personal Representative. We'll have this read into the hearing shortly.

PRESIDENT: Does the Recorder have any further unclassified evidence?

RECORDER: Mr. President, I have no further unclassified evidence for the Tribunal, but I respectfully request a closed Tribunal session at an appropriate time to

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present classified evidence relevant to this Detainee's status as an enemy combatant.

PRESIDENT: Recorder, your request for a closed session is granted and will be taken in due course. We'll now pause briefly to permit the Tribunal members time to read the unclassified evidence. [Tribunal paused for five minutes for review].

PRESIDENT: [The] Tribunal has completed its review of the unclassified evidence provided. We do have one question for the Recorder. Is Somalia, Ethiopia, and/or Kenya a coalition partner?

RECORDER: Somalia is not; Ethiopia is; and Kenya is, a coalition partner of the United States.

PRESIDENT: Very well. Thank you.

PRESIDENT: At this point in the hearing, we'll receive the Detainee's statement that I understand that the Personal Representative has. Personal Representative, you may proceed with reading his prepared statement.

PERSONAL REP: Yes, Sir. The Detainee responds to the following sub-paragraphs from the unclassified Summary of Evidence with the following key points:

SUB-PARAGRAPH 3-b. "I am not a member of any Al-Ittihad al-Islami jihadist faction. However, I did fight jihad alongside Al-Ittihad against Ethiopians, which is my right to do."

SUB-PARAGRAPH 3-e. "I was arrested and detained in 2004. And even before 2004, this did not concern me because I was not a member of Al-Ittihad and I did not have any knowledge of such an affiliation."

SUB-PARAGRAPH 3-f. "My training was solely for the purpose of fighting in Somalia, but not against Americans. I never had training in Lugh, Somalia. Why would I need training there if I already had training in Afghanistan?"

SUB-PARAGRAPH 3-g. "I never participate-- participated in Al-Ittihad al-Islami operations in Mogadishu, Somalia against Ethiopians. There never were such operations. If Ethiopian mem-- military members came to Mogadishu, I would defend against them. That is my right to do as a Somali, but it is against my religious beliefs to fight against civilians."

SUB-PARAGRAPH 3-h. "This statement is not true." Sir, that concludes the Detainee's responses to the unclassified Summary of Evidence.

PRESIDENT: Thank you.

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CALLING OF WITNESSES

PRESIDENT: We will now allow for the calling of witnesses. All witnesses called before this Tribunal may be questioned by the Personal Representative, the Recorder, and the Tribunal Members and the Detainee, if he were present, which is not the case. Does the Recorder have any witnesses to present?

RECORDER: No, Sir.

PRESIDENT: And I note from the Detainee Election Form provided to the Tribunal earlier that the Detainee has not requested any witnesses nor any evidence be produced. Is that correct?

PERSONAL REP: That is correct, Sir.

PRESIDENT: Very well.

CLOSING UNCLASSIFIED SESSION

PRESIDENT: All unclassified evidence having been provided to the Tribunal, this concludes the open Tribunal session.

PRESIDENT: Guleed Hassan Ahmed shall be notified of the Tribunal decision upon completion of the review of these proceedings by the Combatant Status Review Tribunal convening authority in Washington D.C.

ADJOURN OPEN SESSION

PRESIDENT: The open session of this Tribunal hearing is adjourned.

RECORDER: The time is 1439 [hours]. The date is 28 April 2007. All rise.

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AUTHENTICATION

I certify the material contained in this transcript is a true and accurate verbatim rendering of the testimony during the Combatant Status Review Tribunal of ISN 10023

[REDACTED], Colonel, USAF
Tribunal President

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